

MEMORANDUM OF UNDERSTANDING

Between the
Washington State Department of Health
and the
Washington State Department Ecology

Related to the

RESPECTIVE ROLES AND RESPONSIBILITIES OF THE TWO AGENCIES TO COORDINATE
ACTIVITIES CONCERNING THE PROTECTION OF PUBLIC HEALTH AND THE ENVIRONMENT

This memorandum of Understanding (MOU) is made and entered into by and between the Washington State Department of Health (Health) and the Washington State Department of Ecology (Ecology) pursuant to the authority granted by Chapters 43.70 and 43.21A RCW.

I. Introduction

Ecology and Health share common concerns and collaborate in controlling or minimizing environmental pathways which may lead or contribute to disease. Both agencies manage programs aimed at protecting the public from environmental health hazards. The legislature has given the two agencies complementary and related charges.

The legislature, when it established Health, stated in RCW 43.70.005: "The legislature finds and declares that it is of importance to the people of Washington State to live in a healthy environment.... For these reasons, the legislature recognizes the need for a strong, clear focus on health issues in state government. . . . It is the intent of the legislature to form such focus by creating a single department in state government with the primary responsibilities for the preservation of public health. . . . and the general oversight and planning for all the state's activities as they relate to the health of its citizenry. Further, it is the intent of the legislature to improve illness and injury prevention and health promotion. . . ."

In the Ecology statute, the legislature mandated in RCW 42.21A.010: "The legislature recognizes and declares it to be the policy of this state, that it is a fundamental and inalienable right of the people of the state of Washington to live in a healthful and pleasant environment and to benefit from the proper development and use of its natural resources." In addition, in RCW 43.21A.020: ". . . It is the purpose of this chapter to establish a single state agency with the authority to manage and develop our air and water resources... and to carry out a coordinated program of pollution control involving these and related land resources. To this end a department of ecology is created by this chapter to undertake, in an integrated manner, the various water... air . . . solid waste... and such other environmental, management protection and development programs as may be authorized by the legislature."

II. Purpose and Scope

Ecology and Health are charged with implementing a number of statutes and programs directed at protecting human health and the environment. This requires coordination of available resources and open exchange of information.

The purposes of this MOU are to (1) define the respective roles and responsibilities of the two agencies in fulfilling legislative and regulatory mandates to protect human health and the environment and (2) specify procedures that will ensure both the timely exchange of information and data on health and the environment and ongoing coordination to promote efficient and appropriate regulatory responses.

To these purposes, authority is hereby granted to Assistant Directors/Assistant Secretaries in the two agencies to develop and implement additional memoranda of understanding to accomplish specific program mandates.

III. Coordination of and Cooperation between the Two Agencies

Health and Ecology have a statutory responsibility to coordinate with each other to integrate efforts and endorse common policies (RCW 43.70.310 and 43.21A.140).

Each agency may need to involve the other in various ways as it administers programs for which it has primary responsibility, utilizing the resources, skills and expertise the other agency may contribute.

Activities which require cooperative effort include but are not limited to, the identification, investigation and correction of health impacts associated with environmental hazards; prevention, control and cleanup of toxic waste sites; solid waste management; establishment of environmental quality standards and associated health criteria for water, air, and land; water pollution control; vector control; management of radioactive and mixed wastes; and implementation of the Puget Sound Water Quality Management Plan.

Coordination and integration currently occur through informal consultation/coordination, interagency committees/task forces, procedural agreements, and memoranda of understanding. Such memoranda and/or agreements remain in full force and effect.

IV. Agency Responsibilities Related to Public Health and Environmental Protection

A. Department of Health

Health has broad responsibility for preserving public health through administration of applicable laws and rules adopted by the State Board of Health and the agency, and through programs directed at protecting public health, including but not limited to those related to drinking water, shellfish, radiation protection, on-site waste, disease vectors, and toxic substances. In administering those laws, rules and programs, Health:

1. Regularly monitors the health of Washingtonians through evaluation of information on all births, deaths, and cases of reportable disease conditions;
2. Provides technical support to the State Board of Health, local health departments, and other state agencies responsible for implementing or enforcing laws which impact public health;
3. Develops rules and policies for addressing threats or potential threats to human health;
4. Regulates some of the environmental hazards impacting human health;
5. Administers delegated federal programs, including those for drinking water, well-head protection, shellfish and radiation protection;
6. Prepares and issues public health advisories and declares emergencies; and
7. Investigates, analyses, and reports upon the health implications of substances in the environment.

This includes, but is not limited to:

- a. Analyzing public health considerations including quantitative and/or qualitative health risk assessments.
- b. Analyzing and interpreting data from health/medical assessments, environmental sampling, chemical or epidemiological survey information.
- c. Conducting or overseeing epidemiological studies, disease registries and vital, records.

d. Conducting investigations of at-risk populations to evaluate acute and chronic health effects of environmental hazards.

8. In conjunction with Ecology, responds to public health concerns associated with environmental emergencies.

B. The Department of Ecology

Ecology has broad responsibility for administering state programs directed at protecting, preserving and enhancing Washington's environment and managing resources for the protection of human health and the environment.

This includes air, water and noise pollution control, water resources management, shorelands management, solid and hazardous waste management, nuclear and mixed waste management, and hazardous waste cleanup. In administering these laws and programs, Ecology:

1. Establishes ambient environmental standards;
2. Develops rules and policies for addressing threats or potential threats to human health, the environment and utilization of natural resources;
3. Enforces laws and rules through the issuance of permits, orders, or consent decrees;
4. Administers delegated federal programs, including those for hazardous and mixed waste management and cleanup, water pollution control, underground injection control, and air pollution control;
5. In conjunction with Health, exercises state responsibilities for radioactive waste management;

6. Provides technical assistance to other state and local agencies responsible for implementing or complying with laws and rules administered by Ecology;
7. Provides funds to local governments and Indian Tribes for such activities as water quality management, shellfish protection, air pollution control, solid waste planning and enforcement and hazardous waste management;
8. Responds to imminent threats to human health and the environment; and
9. Monitors, investigates, analyzes and reports on the state of Washington's air, land and water resources. This includes, but is not limited to:
 - a. Ambient monitoring of the state's air, land and water resources.
 - b. Monitoring of authorized discharges to the state's air, land and water for compliance with state laws and regulations.
 - c. Investigating, analyzing, reporting and ensuring correction of unauthorized discharges to the state's air, land and water, including conducting resource impact assessments.
 - d. Conducting or overseeing studies related to pollutant toxicity, impacts, behavior and fate.

V. Provision' for Coordination and Cooperation

Because Health's principal responsibility is protecting public health which can only be done by considering environmental impacts on humans, and Ecology's environmental protection

efforts often include a health component, the two agencies agree to do the following:

A. The Department of Health shall:

1. Participate on interagency committee/task forces established by Ecology for the purpose of developing rules or policies for addressing environmental issues having a health component;
2. Consult with Ecology on regulatory or policy actions which may affect air, land or water resources or which may modify Ecology's ability to regulate and control resource impacts;
3. Provide technical review and comment when Ecology seeks assistance on actions designed to reduce or eliminate threats to human health;
4. Respond to routine requests from Ecology, within available resource limitations, for information concerning the public health implications of environmental issues. This may include issuance of appropriate health advisories;
5. Establish a central contact person for this MOU and for each program area for clarifying rules, policies, and procedures; and
6. Actively participate with Ecology in developing program-specific agreements to supplement this MOU.

B. The Department of Ecology shall:

1. Participate on interagency committees/task forces established by Health for purposes of developing rules which address threats to human health having an environmental protection or natural resources component;

2. Consult with Health on regulatory actions which address human health protection;
3. Initiate regulatory efforts, within available resources limitations, to address public health problems identified by Health;
4. Respond to routine requests from Health, within available resources limitations, for environmental information which may be useful in evaluating public health problems;
5. Establish a central contact person for this MOU and for each program area for clarifying rules, policies, and procedures; and
6. Actively participate with Health in developing program-specific agreements to supplement this MOU.

VI. Dispute Resolution

In the event that technical or policy disagreements arise between staff of the parties to this MOU, they shall be resolved at the lowest possible level. If resolution is not achieved, disputes shall be escalated sequentially to Program Managers/Office Chiefs, and to Assistant Directors/Assistant Secretaries. Deputy Directors shall have the authority to arrive at agreements if other managers are unable to achieve resolution.

Schedule

This Memorandum of Understanding shall be effective when signed by the two parties and may be terminated upon 30 days written notice by either party. The MOU may be amended at any time by mutual consent.

/s/ Kristine Gebbie
KRISTINE GEBBIE, Secretary
Washington Department of Health

July 30, 1991
Date

/s/ Christine O. Gregoire
CHRISTINE O. GREGOIRE, Director
Washington Department of Ecology

August 5, 1991
Date

EXISTING AGREEMENTS BETWEEN ECOLOGY AND DEPARTMENT OF HEALTH

Water Quality

- Procedures for Review of Public Domestic Waste Collection Treatment and Disposal Facilities (February 1972).
- (Currently reworking for better clarification.)
- Underground Injection Control Program (March 1984).
- Implementation of Ground Water Quality Management Strategy (also includes WDOA) (November 1987).
- Interagency Cooperation in Training Water/Wastewater System Personnel
- (also includes State Board for Community College Education) (August 1989).
- Ecology and Health Joint Guidelines for Land Disposal of Treated Domestic Sewage Effluent in Washington State (Feb. 1976).

Hazardous Waste Investigations and Cleanup

- Roles and Activities of DOH at Hazardous Waste Cleanup Sites (with associated procedure) (March 1988).
- Closure procedures, costs and requirements for U.S. Ecology Low Level Radioactive Waste Site (November 1989).

Waste Grants

- Technical assistance on Spokane Waste-to-Energy Facility's Environmental
- Health Impact Study (April 1990).
- Puget Sound Water Quality Authority
- Coordination of the Implementation of the PSWQA Plan Elements.

AGREEMENTS BETWEEN ECOLOGY AND DEPARTMENT OF HEALTH
NOW BEING DEVELOPED

Water Quality

- Agricultural Pesticide and Nutrient Management Strategy to Protect Groundwater (also includes WDOA) -- to be completed by December 1991.
- Ecology policy on granting short term water quality modifications for mosquito control.

Water Resources

- Overall coordination of water resource planning and public water supply issues - Expect to complete about 60 days after Umbrella MOU signed.
- Water Rights and Public Water System Design Approval Procedures - Date of completion not known.

POTENTIAL AGREEMENTS WITH DEPARTMENT OF HEALTH
BEING CONSIDERED BY ECOLOGY PROGRAMS

Water Quality

- Coordination of Water Pollution Control Activities (e.g., plan and specification review and permitting).
- NPDES Review and Conditions.
- Water Quality Standards.
- Nuclear and Mixed Waste Management
- Coordination of Roles and Responsibilities for Hanford Reservation and U.S. Ecology Oversight.
- Coordination of Roles and Responsibilities for permitting and compliance of commercial facilities that treat, store, and/or dispose of mixed waste.

Waste Grants

- Technical assistance on Tacoma and Skagit County Waste-to-Energy Facilities' health impacts (and possibly on any additional Ecology-funded waste-to-energy facilities).

Water Resources

- Clarification of responsibilities for water resources planning.
- Relationships between Water System Interties and Water Rights.
- Guidelines for data collection, demand forecasting and conservation.
- Agreement to develop and use Regional Water System Plan Guidelines under HB 1397 (Water Use Efficiency Act).
- Seawater intrusion.

Shorelands and Coastal Zone Management

- Establish mechanism for instituting response strategy in event of shellfish closure and define roles among Ecology, DOH, tribes and local government. PSWQMP directed completion by November 1991.

Central Programs

- Clarification of roles and responsibilities of Ecology, DOH and local health agencies regarding drug labs (agreement but not an MOU).
- Development of Sediment Criteria for the Protection of Human Health.
- Air Technical Services
- PSAMP: Human Health Assessment of PSAMP Data

POTENTIAL AGREEMENTS WITH DEPARTMENT OF ECOLOGY
BEING CONSIDERED BY DEPARTMENT OF HEALTH PROGRAMS

- How on-site sewage systems relate to groundwater standards of Ecology.
- Clarification of definitions of industrial versus domestic wastewater and agency responsibilities and criteria regarding the categories.
- Clean Air Roles and Activities.
- Emergency Response.
- Drinking Water Operator Certification.
- Drinking Water Contamination Response.